

Introduced by Senator Simitian

February 24, 2006

An act to add Section 23123 to the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

SB 1613, as introduced, Simitian. Vehicles: wireless telephones.

Under existing law, motor vehicle operation is regulated, and drivers must follow many legal requirements or face criminal sanctions. Under existing law, it is a crime for a person to drive a schoolbus or transit vehicle while using a wireless telephone, except for certain work-related or emergency purposes.

This bill would make it an infraction, operative July 1, 2008, to drive a motor vehicle while using a wireless telephone, unless that telephone is designed and configured to allow hands-free listening and talking operation, and is used in that manner while driving. This offense would be punishable by a fine of not more than \$20 for a first offense and not more than \$50 for each subsequent offense, including all assessments and court costs. The bill would provide that this prohibition does not apply to a person who is using the cellular telephone to contact a law enforcement agency or public safety entity for emergency purposes, or to an emergency services professional while he or she operates an authorized emergency vehicle, as specified.

By creating a new infraction, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.

State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. This act shall be known and may be cited as the
2 California Wireless Telephone Automobile Safety Act of 2006.

3 SEC. 2. The Legislature finds and declares all of the
4 following:

5 (a) There are significant safety benefits associated with the
6 availability of wireless communication technologies, including
7 providing assistance that helps save lives and minimizes property
8 damage.

9 (b) On a daily basis, California drivers make thousands of
10 wireless telephone emergency 911 calls.

11 (c) The availability of wireless telephones in motor vehicles
12 allows motorists to report accidents, fires, naturally occurring
13 life-threatening situations, including, but not limited to, rock
14 slides and fallen trees, other dangerous road conditions, road
15 rage, dangerous driving, criminal behavior, including drunk
16 driving, and stranded motorist situations.

17 (d) There is growing public concern regarding the safety
18 implications of the widespread practice of using hand-held
19 wireless telephones while operating motor vehicles.

20 (e) It is in the best interests of the health and welfare of the
21 citizens of the state to enact one, uniform, motor vehicle wireless
22 telephone use law that establishes statewide safety guidelines for
23 use of wireless telephones while operating a motor vehicle.

24 SEC. 3. Section 23123 is added to the Vehicle Code, to read:

25 23123. (a) A person shall not drive a motor vehicle while
26 using a wireless telephone unless that telephone is specifically
27 designed and configured to allow hands-free listening and
28 talking, and is used in that manner while driving.

29 (b) Notwithstanding subdivision (a) of Section 42001 or any
30 other provision of law, a violation of this section is an infraction
31 punishable by a fine, including all penalty assessments and court
32 costs imposed on the convicted person, of not more than twenty

1 dollars (\$20) for a first offense and not more than fifty dollars
2 (\$50) for each subsequent offense.

3 (c) This section does not apply to a person using a wireless
4 telephone for emergency purposes, including, but not limited to,
5 an emergency call to a law enforcement agency, health care
6 provider, fire department, or other emergency services agency or
7 entity.

8 (d) This section does not apply to an emergency services
9 professional using a wireless telephone while operating an
10 authorized emergency vehicle, as defined in Section 165, in the
11 course and scope of his or her duties.

12 (e) This section shall become operative on July 1, 2008.

13 SEC. 4. No reimbursement is required by this act pursuant to
14 Section 6 of Article XIII B of the California Constitution because
15 the only costs that may be incurred by a local agency or school
16 district will be incurred because this act creates a new crime or
17 infraction, eliminates a crime or infraction, or changes the
18 penalty for a crime or infraction, within the meaning of Section
19 17556 of the Government Code, or changes the definition of a
20 crime within the meaning of Section 6 of Article XIII B of the
21 California Constitution.